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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**
13

14 IN RE HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

15 THIS DOCUMENT RELATES TO:
16 ALL ACTIONS
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Master Docket No. 11-CV-2509 LHK

**[PROPOSED] ORDER GRANTING
MOTION TO STRIKE THE
IMPROPER REBUTTAL TESTIMONY
IN DR. LEAMER'S REPLY EXPERT
REPORT OR, IN THE ALTERNATIVE,
FOR LEAVE TO SUBMIT A REPLY
REPORT OF DR. STIROH**

Date: March 20, 2014 and
March 27, 2014
Time: 1:30 p.m.
Courtroom: 8, 4th Floor
Judge: The Honorable Lucy H. Koh

Defendants' Joint Motion to Strike the Improper Rebuttal Testimony of Dr. Leamer's Reply Expert Report or, in the Alternative, for Leave to Submit a Reply Report of Dr. Stiroh came for hearing before this Court on March 20 and/or March 27, 2014. Having considered the motion, together with all papers filed in support of and in opposition thereto and the argument of counsel, Defendants' motion is **GRANTED**.

[ALTERNATIVE 1:] The following portions of Dr. Leamer's Reply Expert Report shall be stricken and may not be used at trial or otherwise in this case:

| | |
|-------------------------------------|--|
| Paragraphs 75-90 & Figures 15-16 | Entire paragraphs and figures are stricken |
| Paragraphs 108-110 | Entire paragraphs are stricken |
| Paragraphs 115-120 & Figures 17-18: | Entire paragraphs and figures are stricken |

[OR]

[ALTERNATIVE 2:] Defendants have leave to submit a reply report of Dr. Stiroh that addresses Paragraphs 75-90, 108-110, and 115-120, and the figures included therein of Dr. Leamer's Reply Expert Report. Defendants shall submit a reply report no later than _____, 2014.

IT IS SO ORDERED.

Dated:

Honorable Lucy H. Koh
United States District Judge